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EXAMINER

JAKOVAC, RYAN J

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,199	Applicant(s) HACKL ET AL.	
	Examiner RYAN J. JAKOVAC	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 11-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-21 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/0118160 to Holt et al (hereinafter Holt).

Regarding claim 12, Holt teaches a media gateway of a packet-based communication network, comprising: a data channel controller which controls a data channel of a first communication connection (Holt, [0023]); a terminator that terminates a signaling message of a second communication connection (Holt, [0023], [0039]); and a connection controller that performs a first part of a connection control function for a third communication connection and authorizes a central network controller to carry out a second part of the connection control function (Holt, [0024], see also [0025], and fig. 4).

Regarding claim 13, Holt teaches the media gateway according to claim 12, wherein the connection controller performs connection control functions which do not need to be carried out centrally within the network (Fig. 2, also [0023-0025]).

Regarding claim 14, Holt teaches the media gateway according to claim 13, wherein the connection controller performs connection control functions which are time-critical (Fig. 2, also [0023-0025]).

Regarding claim 15, Holt teaches the media gateway according to claim 13, wherein the connection controller performs all connection control functions do not need to be carried out centrally within the network (Fig. 2, also [0023-0025]).

Regarding claim 16, Holt teaches the media gateway according to claims 12, wherein a set of subscriber data is managed (Holt, [0023]).

Regarding claim 17, Holt teaches the media gateway according to claims 16, wherein the set of subscriber data is stored (Holt, [0023]).

Regarding claim 18, Holt teaches a media gateway according to claim 12, wherein a set of charge data for a communication connection is recorded (Holt, [0025], application server database stores configuration information.).

Regarding claim 19, Holt teaches a media gateway according to claim 12, wherein an access control protocol is used for communicating with the central network controller (Holt, [0025]).

Regarding claim 20, Holt teaches a media gateway according to claim 12, wherein a SIP protocol is used for communicating with the central network controller (Holt, [0025]).

Regarding claim 21, Holt teaches the method according to claim 23, wherein the circuit is not using a SS7 signaling protocol (Holt, [0025]).

3. Claims 12-19, 21, 23, 24 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/0123434 to Hirayama et al (hereinafter Hirayama).

Regarding claim 12, 21, 23, Hirayama teaches a media gateway of a packet-based communication network, comprising: a data channel controller which controls a data channel of a first communication connection (Hirayama, Abstract, VoIP gateway controls connection from caller. See also fig. 2); a terminator that terminates a signaling message of a second communication connection; terminating the incoming signaling message at a media gateway (Hirayama, Abstract, gate keeper carries out a call release (i.e. terminates signaling message). Also, Fig. 2, call release signal.); and a connection controller that performs a first part of a connection control function for a third communication connection and authorizes a central network controller to carry out a second part of the connection control function (Hirayama,

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Abstract, media gateway collates keys received from VoIP gateway and the gate keeper and then continues the call (i.e. carries out connection.)).

Regarding claim 13, Hirayama teaches the media gateway according to claim 12, wherein the connection controller performs connection control functions which do not need to be carried out centrally within the network (Hirayama, Abstract, media gateway collates keys received from VoIP gateway and the gate keeper and then continues the call (i.e. carries out connection.)).

Regarding claim 14, Hirayama teaches the media gateway according to claim 13, wherein the connection controller performs connection control functions which are time-critical (Hirayama, Abstract, media gateway collates keys received from VoIP gateway and the gate keeper and then continues the call (i.e. carries out connection.)).

Regarding claim 15, Hirayama teaches the media gateway according to claim 13, wherein the connection controller performs all connection control functions do not need to be carried out centrally within the network (Hirayama, Abstract, media gateway collates keys received from VoIP gateway and the gate keeper and then continues the call (i.e. carries out connection.)).

Regarding claim 16, Hirayama teaches the media gateway according to claims 12, wherein a set of subscriber data is managed (Hirayama, Fig. 2).

Regarding claim 17, Hirayama teaches the media gateway according to claims 16, wherein the set of subscriber data is stored (Hirayama, Fig. 2, authentication key comparison.)

Regarding claim 18, Hirayama teaches the media gateway according to claim 12, wherein a set of charge data for a communication connection is recorded (Hirayama, Fig. 2, authentication key comparison.).

Regarding claim 19, Hirayama teaches a media gateway according to claim 12, wherein an access control protocol is used for communicating with the central network controller (Hirayama, Fig. 2, ARQ request.).

Regarding claim 24, Hirayama teaches the method according to claim 23, wherein the circuit is not using a SS7 signaling protocol (Hirayama, [0002], IP protocol. See also, Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of U.S. 7,113,581 to Benedyk et al (hereinafter Benedyk).

Regarding claim 25, Hirayama teaches the method according to claim 23. Hirayama does not expressly disclose wherein the circuit is using a SS7 signaling protocol, a user part in the SS7 signaling protocol is received and evaluated by a media gateway after lower protocol layers have been processed by a central network controller which includes a centralized signaling gateway function.

However, Benedyk teaches wherein the circuit is using a SS7 signaling protocol, a user part in the SS7 signaling protocol is received and evaluated by a media gateway after lower protocol layers have been processed by a central network controller which includes a centralized signaling gateway function (Benedyk, Fig. 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the circuit is using a SS7 signaling protocol, a user part in the SS7 signaling protocol is received and evaluated by a media gateway after lower protocol layers have been processed by a central network controller which includes a centralized signaling gateway function as taught by Benedyk with the method of Hirayama in order to effectively constitute the functional network components of a converged telephony--data network (Benedyk, Col. 6, line 35-65, see also Fig. 3).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt in view of Benedyk.

Regarding claim 25, Holt teaches the method according to claim 23. Holt does not expressly disclose wherein the circuit is using a SS7 signaling protocol, a user part in the SS7 signaling protocol is received and evaluated by a media gateway after lower protocol layers have been processed by a central network controller which includes a centralized signaling gateway function. However, Benedyk teaches wherein the circuit is using a SS7 signaling protocol, a user part in the SS7 signaling protocol is received and evaluated by a media gateway after lower protocol layers have been processed by a central network controller which includes a centralized signaling gateway function (Benedyk, Fig. 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the circuit is using a SS7 signaling protocol, a user part in the SS7 signaling protocol is received and evaluated by a media gateway after lower protocol layers have been processed by a central network controller which includes a centralized signaling gateway function as taught by Benedyk with the method of Holt in order to effectively constitute the functional network components of a converged telephony--data network (Benedyk, Col. 6, line 35-65, see also Fig. 3).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of Holt.

Regarding claim 20, Hirayama teaches a media gateway according to claim 12. Hirayama does not expressly disclose wherein a SIP protocol is used for communicating with the central network controller.

However, Holt discloses wherein a SIP protocol is used for communicating with the central network controller (Holt, [0025]). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein a SIP protocol is used for communicating with the central network controller as taught by Holt with Hirayama in order to utilize well known and suitable packet telephony protocols (Holt, [0025]).

Response to Arguments

8. Applicant's arguments filed 09/08/2008 have been fully considered but they are not persuasive.

9. Applicant argues that the media gateway in Holt does not disclose a data channel controller or a connections controller. The examiner respectfully disagrees. The media gateway controls connection between the packet-switched data domain and the PSTN domain as disclosed in fig. 2 and at least [0021].

10. Applicant argues that Holt does not disclose a terminator, however paragraph [0039] of Holt discloses the termination of calls on a subscriber line.

11. Applicant argues that Holt does not disclose a connection controller that performs a first part of a connection control function for a third communication connection and authorizes a central network controller to carry out a second part of the connection control, however, Holt in paragraph [0023] discloses that a call is forwarded from a switch to the media gateway. The

media gateway receives a call and notifies the call agent (i.e. authorizes the call agent) who provides call control functions ([0024]).

12. Applicant argues that Hirayama does not disclose a data channel controller, however Hirayama discloses a data channel controller in at least fig. 1 which shows the media gateway controlling data between the public communication network, the gate keeper, and the VoIP gateway. Hirayama, in the abstract, also discloses that a gateway controls connections from callers.

13. Applicant argues that Hirayama does not disclose the media gateway comprising a terminator that terminates signaling messages, however, the abstract discloses the system using a call release (i.e. terminating a signaling message). Paragraph [0039-0040] as illustrated in fig. 2 discloses that the media gateway uses a call release signal in a call setup procedure stop (i.e. terminating the incoming signaling message at a media gateway).

Conclusion

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Larry D Donaghue/

Primary Examiner, Art Unit 2454